

D. MAX GARDNER, ESQ. (CSB No. 132489)
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Attorney for Debtor

UNITED STATES BANKRUPTCY COURT
 EASTERN DISTRICT OF CALIFORNIA

IN RE:

Bankruptcy Case No.: 2022-12016

FUTURE VALUE CONSTRUCTION INC.

Chapter 11

Debtor and Debtor-in-possession.

DMG-1

**ORDER ON MOTION TO EMPLOY ATTORNEY
 FOR DEBTOR**

The Motion to Employ Attorney for Debtor (the “Motion”) filed by the Debtor Future Value Construction Inc.. was filed on December 7, 2022.

Having considered the Motion and declaration filed in support, and it appearing that D. Max Gardner is a disinterested person having no connection with Debtor, its creditors, or any other party in interest, their respective attorneys, accountants, the United States Trustee or any person employed in the Office of the United States Trustee except as set forth in the Declaration of D. Max Gardner, and good cause appearing therefor;

IT IS ORDERED that Debtor is authorized to employ D. Max Gardner as its attorney of record pursuant to 11 U.S.C. Section 328(a) subject to the following terms and conditions:

ORDER ON MOTION TO EMPLOY DEBTOR’S ATTORNEY

1 1. The employment of D. Max Gardner is subject to the terms and conditions of 11
2 U.S.C. Sections 327 and 329-331.

3 2. No compensation is permitted except upon court order following application
4 pursuant to 11 U.S.C. Section 330(a).

5 3. Compensation paid to D. Max Gardner shall be at the “lodestar rate” applicable at
6 the time that services are rendered per the Ninth Circuit decision in *In re Monoa Finance Co.*,
7 853 F.2d 687 (9th Cir. 1988). No hourly rate referred to in the Motion is approved unless stated
8 in this Order or in a subsequent order of the Court.

9 4. Funds received from Debtor that constitute an advance payment of fees shall be
10 maintained in a trust account in an authorized depository. Such account may be a separate
11 interest-bearing account or a trust account containing commingled funds. Withdrawals are
12 permitted only after the granting of an application for compensation and the Court enters an
13 order authorizing payment of a specific amount.

14 6. The employment of D. Max Gardner is retroactive to November 28, 2022, the filing
15 date of this case.

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19 **Dated:** December 20 2022

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21 Honorable Jennifer E. Niemann
22 United States Bankruptcy Judge
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